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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,297	07/29/2003	Hyon-Myong Song	678-1050	6471
66547 7590 09/27/2007 THE FARRELL LAW FIRM, P.C. 333 EARLE OVINGTON BOULEVARD SUITE 701 UNIONDALE, NY 11553			EXAMINER CHUO, TONY SHENG HSIANG	
			ART UNIT	PAPER NUMBER
			1745	
			MAIL DATE	DELIVERY MODE
			09/27/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/629,297	Applicant(s) SONG ET AL.	
	Examiner Tony Chuo	Art Unit 1745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-9 is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/6/07 has been entered.

### ***Response to Amendment***

2. Claims 1-10 are currently pending. The amended claims do overcome the previously stated 102 and 103 rejections. However, upon further consideration, claim 1 is rejected under the following new 102 rejection. Claims 2-10 are allowed for reasons stated below.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Zatezalo et al (US 2004/0001997).

The Zatezalo reference discloses a battery pack locking device comprising: a latching member "76" formed on a lower casing frame included in a body of a portable wireless terminal, and adapted to lock a battery pack "18" to the lower casing frame and to release the lock of the battery pack; a release button "78" integrally formed with the latching member, the button section being movable in a first direction perpendicular to the lower casing frame; a lip "66" interacting with the latching member "76" to separate the battery pack from the lower casing frame in the first direction; and a support section "30" for supporting the battery pack to allow the battery pack to be locked and lock-released in the first direction, wherein when the release button is pushed toward the lower casing frame in the first direction, the battery pack is lock-released and elastically lifted away from the lower casing frame in the first direction (See paragraphs [0031],[0033],[0034],[0036] and Figures 2 and 3).

***Allowable Subject Matter***

5. Claims 2-10 are allowed.

Regarding independent claim 2, the Nakao (US 4146682) reference discloses a battery locking device comprising: a locking section protrusion "9" that protrudes toward the battery case "2" from an end surface of the lower casing frame adjacent to the button member "14"; and an elastic section "12" installed at one end of the battery case, the elastic section being elastically deformable in accordance with the depression of the

first lock releasing section, wherein the elastic section comprises a second lock releasing section adapted to be subjected to a depression of the locking section protrusion "9", and a lock retaining section "12" arranged adjacent to the second lock releasing section, and adapted to be engagable with the locking section to prevent the battery pack from being lock-released (See Figure 5 and 6). However, Nakao does not expressly teach a button member mounted on the lower casing frame while being movable in a first direction perpendicular to the lower casing frame, wherein when the button section is pushed toward the lower casing frame in the first direction, the battery pack is lock-released and elastically lifted away from the lower casing frame in the first direction.

Regarding independent claim 7, the Zatezalo reference discloses a battery pack locking device comprising: a release button "78" mounted to the lower casing frame, the button section being movable in a first direction perpendicular to the lower casing frame, wherein when the release button is pushed toward the lower casing frame in the first direction, the battery pack is lock-released and elastically lifted away from the lower casing frame in the first direction (See paragraphs [0031],[0033],[0034],[0036] and Figures 2 and 3). However, Zatezalo does not expressly teach a pair of spaced tension sections extending downwardly from the button while facing each other, the tension sections having an elasticity to be movable in the first direction.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony Chuo whose telephone number is (571) 272-0717. The examiner can normally be reached on M-F, 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TC



**JONATHAN CREPEAU  
PRIMARY EXAMINER**